

Appl. No. 10/782,228
Atty. Docket No.: 2002B107D
Amdt. dated April 10, 2008
Response to OA of 11/15/2007

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REMARKS/ARGUMENTS

This reply is submitted in response to the Final Office Action dated November 15, 2007.

Claims 6-15, 17-46, 48-148, and 151-153 are pending.

Claims 6-15, 17-46, 48-148, and 151-153 are rejected.

Claims 137-144 are allowed.

Claims 6, 7, 8, 9, 10, 11, 15, 19, 41, 77, 79, 113, 125, and 128 are amended.

Support for the claim amendments to claims 6 and 7 can be found page 51 as quoted here:

In one embodiment of the invention, the polyolefin suitable for the composition excludes physical blends of polypropylene with other polyolefins, and in particular, **excludes physical blends of polypropylene with low molecular weight (500 to 10,000 g/mol) polyethylene or polyethylene copolymers, meaning that, low molecular weight polyethylene or polyethylene copolymers are not purposefully added in any amount to the polyolefin (e.g., polypropylene homopolymer or copolymer) compositions of the invention,** such as is the case in, for example, WO 01/18109 A1. (Emphasis added)

Rejection under 35 USC § 112

Claims 6 and 7 are rejected under 35 USC § 112, first paragraph as failing to comply with the written description requirement. The Examiner suggests that the claims contain subject matter not described in the specification. Applicant respectfully disagrees. The language inserted into claimed 6 and 7 is a near verbatim copy of the text at page 51 which is reproduced above in bold. If the Examiner disagrees, the Examiner is requested to explain exactly what he thinks the new matter is when the text in the claim is compared to the original text at page 51. Clarification is requested.

Applicant requests the rejection be withdrawn.

Double Patenting Rejections

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Claims 6-15 and 17-153 are provisionally rejected on the ground of non-statutory double patenting over claims 6, 7, 14 and 17-236 of copending USSN 10/640,435, filed August 12, 2003. Applicant respectfully disagrees, however herewith submits terminal disclaimer over USSN 10/640,435.

Claims 6-15, 17-46, 48-148 and 151-153 are provisionally rejected on the ground of non-statutory double patenting over claims 1-87 of copending USSN 10/634,351, filed August 4, 2003. Applicant respectfully disagrees, however herewith submits terminal disclaimer over USSN 10/634,351.

Claims 6-15, 17-46, 48-148 and 151-153 are provisionally rejected on the ground of non-statutory double patenting over claims 1-15-17-170 of USSN 10/782,306, filed Feb 19, 2004 (now patented as US 7,271,209). Applicant respectfully disagrees, however herewith submits terminal disclaimer over US 7,271,209.

Rejections under 35 USC § 103(a)

Claims 6-15, 17-46, 48-148, and 151-153 are rejected under 35 USC § 103(a) as being anticipated by or obvious over US 5,079,287 (Takeshi).

Claims 6 and 7 have been amended to exclude low molecular weight (500 to 10,000 g/mol) polyethylene copolymers such as Lucant HC-10 and Lucant HC-100 (which have an Mn of 590 and 1450, respectively). The Examiner suggest that even if Lucant HC-10 is excluded from the claims, then the exclusion is obvious because is prima facie obvious to leave out a known compound and lose its known function. Assuming, *arguendo*, that the Examiner is correct, Applicant's claims are not to just a polymer, they are to a polymer blended with an NFP. Deleting Lucant-HC-10 would be analogous to deleting the NFP and this is not Applicant's claimed invention. Thus Applicant respectfully submits that the Examiner's argument fails and the rejection should be withdrawn.

Furthermore the Examiner has indicated that claim 137 is patentable. Claim 137 (e.g. wherein the polyolefin is a polypropylene having a melting point (second melt) of 30 to 185 °C) has been amended into the independent claims above. Applicant

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respectfully submits claims 6-15, 17-46, 48-148, and 151-153 are thus patentable and requests the rejection be withdrawn.

The Applicant thanks the Examiner for the indication of patentability over Takashi of claims 137-144.


CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Reconsideration and allowance is respectfully requested. Applicant invites the Examiner to telephone the undersigned attorney if there are any issues outstanding which have not been presented to the Examiner's satisfaction.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account number 05-1712. Moreover, if the deposit account contains insufficient funds, the Commissioner is hereby invited to contact Applicants' undersigned representative to arrange payment.

Respectfully submitted,

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